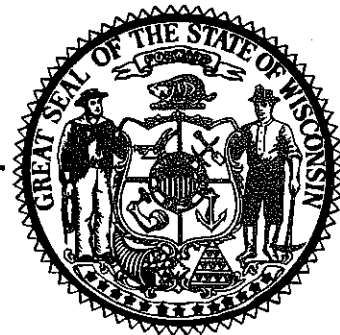


FRED A. RISSE

President Wisconsin State Senate

January 12, 2010



Senator Lena Taylor, Chair
Senate Committee on Judiciary, Corrections, Insurance, Campaign Finance Reform, & Housing
415 South, State Capitol
Madison, WI 53702

Lena
Dear ~~Senator Taylor~~,

Thank you for holding a hearing on Senate Bill 365, which I have authored. Rep. David Cullen is the lead Assembly sponsor of this measure. I also appreciate your co-authorship of this measure Senator Taylor.

The purpose of this bipartisan bill is to implement the Uniform Unsworn Foreign Declarations Act in Wisconsin. The Act was promulgated by the National Conference of Commissioners on Uniform State Laws. I am a Uniform Law Commissioner as is Rep. Cullen.

Declarations of persons abroad are routinely received in state and federal courts and agencies. Many of the declarations are affidavits and other documents sworn to by declarants before authorized officials in United States embassies and consulate offices. Affiants in foreign countries with information relevant to U.S. proceedings or transactions could visit the U.S. consular office to finalize their affidavit or statement in a manner similar to a person within the U.S. visiting a notary public.

However, in recent years, particularly after the September 11, 2001 terrorist attacks, access to U.S. embassies and consulates has become more difficult because of closings or added security. Thus, obtaining appropriately sworn foreign declarations for court or agency use is much more difficult in the post-9/11 environment.

The Uniform Unsworn Foreign Declarations Act (The Act) was promulgated by the Uniform Law Commission in 2008 to address this situation and to harmonize state and federal law. The Act affirms the use in state legal proceedings of unsworn declarations made by declarants who are physically outside the boundaries of the United States when making the declaration. The Act will extend to state proceedings the same flexibility that federal courts have employed for over 30 years.

Under the Act, if an unsworn declaration is made subject to penalties for perjury and contains the information in the model form provided in the act, then the statement may be used as an equivalent of a sworn declaration. However, Further, the Act excludes use of unsworn declarations for depositions, oaths of office, oaths related to self-proved wills, declarations recorded under certain real estate statutes, and oaths required to be given before specified officials other than a notary.

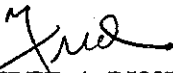
Enactment of the UUFDA harmonizes state and federal treatment of unsworn declarations. The act alleviates foreign affiants' burden in providing important information for state proceedings, while at the same time helping to reduce congestion in U.S. consular offices and allowing consular officials to increase focus on core responsibilities. The Act will also reduce aspects of confusion abroad regarding differences in federal and state litigation practice and help prevent potential negative connotations about cumbersome and inconsistent legal proceedings in the U.S.

I want to note that the provisions of the Act would be available to military personnel serving overseas. The Act however would not be relevant for overseas ballots since Wisconsin's overseas voting laws do not require notarization of ballots. Our requirement is for a ballot to be witnessed by an adult U.S. citizen.

The Act has already been enacted in three states (Colorado, New Mexico and Utah) and introduced in the District of Columbia and Connecticut. It has also recently been recommended by the Council on State Governments as suggested state legislation.

I appreciate your willingness to schedule this measure for a public hearing and I encourage the committee to look favorably upon this important legislation.

Most sincerely,



FRED A. RISSE
President
Wisconsin State Senate

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Cc: Senate Committee on Judiciary, Corrections, Insurance, Campaign Finance Reform, & Housing